

**IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF GEORGIA  
(MACON DIVISION)**

<b>CERTUSBANK, N.A., as successor by assignment to ATLANTIC SOUTHERN BANK,</b>	)	
<b>Plaintiff,</b>	)	<b>CIVIL ACTION NO.</b>
<b>v.</b>	)	<b>5:14-cv-00069-CAR</b>
<b>GENE DUNWODY, JR., et al.,</b>	)	
<b>Defendants.</b>	)	
	)	

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**PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

Plaintiff CertusBank, N.A. (hereinafter “Plaintiff” or “Certusbank”), as successor in interest to Atlantic Southern Bank, and pursuant to Fed. R. Civ. P. 56 and Local Rule 56, MDGa, hereby files this Motion for Summary Judgment (the “Motion”), as to its Complaint filed on February 18, 2014 [Docket No. 1] (the “Complaint”) in the above-captioned matter and against Defendants Eugene C. Dunwody, Jr. (“Dunwody Jr.”), Gene Dunwody, Sr. (Dunwody Sr.), Jack W. Jenkins (“Jenkins”), and W. Tony Long (“Long”, and together with Dunwody Jr., Dunwody Sr., and Jenkins, collectively, the “Defendants”) jointly and severally, as set forth below.<sup>1</sup>

In support of this Motion, Plaintiff relies upon (i) its Memorandum of Law in Support of the Motion, (ii) its Statement of Material Facts to Which There Are No Genuine Issues to be Tried, (iii) the Affidavit of Ray Persenaire in Support of Plaintiff’s Motion for Summary Judgment, the documents authenticated thereby and attachments thereto, (iv) the Defendants’

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<sup>1</sup> Capitalized but undefined terms used herein shall have the meanings given to such terms in the Plaintiff’s Memorandum in Support of this Motion, filed contemporaneously herewith. By this Motion, Plaintiff does not seek any relief against Defendant L. Robert Lovett. This action remains stayed against Defendant L. Robert Lovett pursuant to 11 U.S.C. § 362 on account of the filing of his voluntary bankruptcy petition, Middle District of Georgia Bankruptcy Court, Chapter 11 Case No. 14-52614.

Joint Responses and Objections to Plaintiff's First Set of Requests for Admission; (v) all other exhibits and attachments filed simultaneously herewith, and (vi) all matters of record.

**WHEREFORE**, Plaintiff respectfully requests that the Court grant this Motion and enter summary judgment in favor of Plaintiff and against each of the Defendants, jointly and severally, for Plaintiff's recovery of the outstanding amounts owed under the Notes, in the following maximum amounts as to each Defendant:

- (i) Judgment against Defendant Gene Dunwody, Jr. for the maximum portion of all amounts due, owing, and accruing under the Notes and applicable law which he guaranteed would be paid under the terms of his respective Guaranties, in the amount of \$185,304.76 as of December 19, 2014, plus additional interest, expenses, costs, and attorneys' fees as same continue to accrue from such date forward;
- (ii) Judgment against Defendant Gene Dunwody, Sr. for the maximum portion of all amounts due, owing, and accruing under the Notes and applicable law which he guaranteed would be paid under the terms of his respective Guaranties, in the amount of \$185,304.76 as of December 19, 2014, plus additional interest, expenses, costs, and attorneys' fees as same continue to accrue from such date forward;
- (iii) Judgment against Defendant Jack W. Jenkins for the maximum portion of all amounts due, owing, and accruing under the Notes and applicable law which he guaranteed would be paid under the terms of his respective Guaranties, in the amount of \$185,304.76 as of December 19, 2014, plus additional interest, expenses, costs, and attorneys' fees as same continue to accrue from such date forward;
- (iv) Judgment against Defendant W. Tony Long for the maximum portion of all amounts due, owing, and accruing under the Notes and applicable law which he guaranteed

would be paid under the terms of his respective Guaranties, in the amount of \$185,304.76 as of December 19, 2014, plus additional interest, expenses, costs, and attorneys' fees as the same have accrued as of such date and continue to accrue; and

(v) such other relief in favor of Plaintiff as the Court deems just, equitable and proper.

Dated: December 22, 2014.

Respectfully submitted,

/s/ Sean A. Gordon  
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*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

I certify that that on December 22, 2014 I electronically filed the foregoing *Plaintiff's Motion for Summary Judgment* with the Clerk of Court using the CM/ECF system, which will automatically send email notification of such filing to the following attorney(s) of record.

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